

Introduced by Senator Ashburn

February 24, 2006

An act relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1759, as introduced, Ashburn. Health facilities: background checks.

Existing law provides for the licensing and regulation of health facilities by the State Department of Health Services.

This bill would state the intent of the Legislature to enact legislation to make necessary statutory changes for establishing criminal background clearances of persons providing direct patient services in health facilities.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) Departments within the California Health and Human
4 Services Agency license almost half a million facilities and
5 professionals, including child care providers, foster care homes,
6 nursing homes, alcohol and drug treatment providers, hospitals,
7 mental health facilities, laboratory technicians, certified nurse
8 assistants, X-ray technologists, and paramedics.
9 (b) Each licensing and certification program within the agency
10 is critical to protecting the health and safety of millions of
11 Californians.

1 (c) Many licensing programs within the agency currently
2 perform criminal background checks, as a key strategy to protect
3 the health and safety of residents and other consumers.

4 (d) It is appropriate public policy to enhance public safety
5 protections by preventing violent criminals from working with
6 the most vulnerable populations and improving criminal
7 background check requirements and investigations.

8 SEC. 2. It is the intent of the Legislature to enact legislation
9 to make necessary statutory changes to do all of the following:

10 (a) Adopt a consistent set of core crimes that would constitute
11 a lifetime ban for departments and programs providing direct
12 client or patient services.

13 (b) Adopt a consistent set of mid-level serious crimes that
14 would be nonexemptible for five to 10 years for departments and
15 programs providing direct client or patient services.

16 (c) Require the completion of state criminal background
17 clearances prior to client contact to increase client protection,
18 allowing client contact to occur prior to the criminal background
19 clearance only if the staff person is a new hire or in a training
20 program, and under 100 percent supervision when in contact with
21 clients or patients.

22 (d) Require individuals who have been denied licensure or
23 employment due to a failed criminal background clearance to
24 wait a minimum of two years before reapplying, or longer if the
25 crime included a mandatory time period exclusion, shorter if
26 mandatory time period exclusion ends prior to the end of a two
27 year time period, with appropriate appeal rights provided.